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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/514,940	02/28/2000	Richard S. Paiz	948-7	8670

7590 12/23/2002

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EXAMINER

BUI, THACH H

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 12/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/514,940

Applicant(s)

PAIZ, RICHARD S.

Examiner

Thach H Bui

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 101*

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 18-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, particularly, an abstract idea.

The Examiner notes that the disclosed invention is within the technological arts. The claimed invention is also noted not to be a computer program, data structure, a natural phenomenon, and a non-descriptive material per se. The claimed invention does not include a series of steps to be performed by a computer. The claimed invention also is not a product for performing a process, nor it is a specific machine or manufacture. The claimed invention is not a specific tangible machine or process for facilitating a business transaction. Claims 18-22 do not appear to correspond to a specific machine or manufacture disclosed within the instant specification and thus encompasses any product of the class configured in any manner to perform the underlying process. The claimed invention of claims 18-22 also does not include a post-computer process activity or a pre-computer process activity. Thus, no physical transformation is performed, no practical application in the technological art is found. Consequently, claims 18-22 are analyzed based upon the underlying process, and are thus rejected as being directed to a non-statutory process.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 12, 14-15, 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah (U.S. Patent No. 6,427,132).

As per claim 1, Bowman-Amuah teaches a computer network system within a virtual environment comprising a plurality of computers, which are networked to each other to function as a single unit (see Figures 1A, 73). The system includes at least one parent computer synchronizing and delegating tasks among the plurality of computers (see Figures 51-56). In addition, the system is capable of gathering data from the virtual environment and processes and organizes the data into an implementable representation of the data (see Figures 1B-2, 1C-1, 1C-2, and 1D-2). Bowman-Amuah does not explicitly mention a means for scanning data. It would have been obvious to one skilled artisan in the art to include a scanner for scanning data/documents and etc. and the data can be process and organize in a way that the data can be implemented. Furthermore, it would have been obvious to one skilled artisan in the art to add a means for video and audio taping the human user.

As per claims 2-6 and 14, Bowman-Amuah teaches a computer network system within a virtual environment comprising a strategy program within the parent computer

for receiving and evaluating the implementable representation of the data and it also delivers commands to another computer among the networked computers based upon the evaluation of data in real time (see Figures 1B-1-1D-1, 23, 40, 42-44, 59) (column 2, lines 34-36). Further, the system (linked with human user computer terminal) comprises call links meeting at a plurality of junction points and an operating computer at each of a plurality of the junction points, wherein the system additionally comprises a plurality of simulation computers within the virtual network imitating the function of the operating computers within the environment (see Figures 51-56).

As per claim 12, Bowman-Amuah teaches a means for storing different input parameters (160, 214, 216).

As per claim 15, Bowman-Amuah teaches a billing system (142) (see Figure 1G-1).

As per claims 17-20, the claims contain features addressed in the above claims, and therefore, are rejected under the same rationale.

3. Claims 7-11, 13, 16 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah in view of Buist (U.S. Patent No. 6,408,282).

As per claims 7-11, 13 and 21, Bowman-Amuah has all the features of the invention, as mentioned above, but lack the teaching of a stock exchange and/or securities trading environment. Buist teaches a securities trading environment having a stock exchange database (see Figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of

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both Bowman-Amuah (a complex computer apparatus having multiple functions) and Buist (securities trading system) to have a system that is capable for receiving and evaluating the implementable representation of the data and it also delivers commands to another computer among the networked computers based upon the evaluation of data, such that the scanning, gathering, organizing and evaluating and delivery of commands occur substantially in real time in a securities trading environment.

As per claim 16, the claim contains feature addressed in the above claims, and therefore, is rejected under the same rationale.

As per claim 22, both Buist and Bowman-Amuah do not explicitly mention advertising messages. However, Buist teaches a means for advertising stock quotes at real time. Therefore, it would have been obvious to one having ordinary skill in the art to realize that the system, as taught by both Bowman-Amuah and Buist, is capable of delivering advertising messages i.e. stock quotes.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thach H Bui whose telephone number is 703-305-0063. The examiner can normally be reached on Monday-Friday, 7:30-4 p.m.

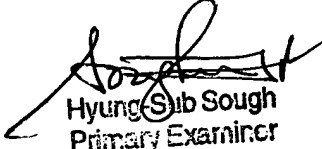
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough, can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-

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305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

T.B.  
December 18, 2002



Hyung-Sib Sough  
Primary Examiner